G. R. S. IX-5]

Previous references.

191 .
(Land Rev.)

File No. 20 9/1890

Serial Nos. 1 – 8.

Later references.

GENERAL AND REVENUE SECRETARIAT.

55

Serial Nos.

Part B for January 1894.

SUBJECT.

Proposal for the restoration of – Nagalakelle Tank in Tiptur Taluk.

Indexed
9/12

W D 88—GPB—50,000—24-7-16

Ltr
do - 1890
1 - 8

The Ryots of the village
of Hagalahalli in the Tippur
hobli of the Mandya Taluk
prayed in their petitions to
the Dy Com^r of the Mysore Dist^t
the Officer in charge of the French
Rocks Sub Div^n & the Taluk Asst^
that the large tank of their
village which breached
some 35 years ago may be
put in repair, as they have
been reduced to great
poverty since the cessation
of wet & garden cultivation
below it and as there is
also scarcity of water for
human beings & cattle,
& expressed their willingness
to pay contribution if
required towards the
cost of repair -

The Asst^ to whom the
District & the Sub Div^n Officers

referred the petitions addressed
to them having instituted
necessary enquiry Submitted
the papers to the Sub Div. Officer
with his report No. 690 dy
13th. October 1890.

From the Kanarese
papers submitted it would
appear that by restoring
the tank in question
an area of 172 acres & 35
Guntas of Kagalhalli &
94 acres & 8 Guntas of
the village of Kabbaray
now yielding a revenue
of Rs. 224 & Rs. 86 — 4 — respec-
tively from dry cultivation
will come under wet
cultivation & the wet rate
of assessment thereon
would bring to Govt
a net increase of Rupees 670

an 172-35 — 224
94-8 — 86
267-3 — 310
Rec 243-72 — 980
net 4

consist of 18 Survey Nos
held apparently by the
3 × Khatedars named in
the margin with several
sub tenants - The particulars
of cultivation are

	Area	Assessment
Dry -	19·32 —	21 — 4 —
Wet —	43 — 1 —	172 — 12 —
Garden	12·33 —	49 — 12 —
Total	75·26	243 — 12 —

1 Ramasetti bin Timmalasetti
2 Chikka Keempa bin Maddura
3 Nadakeri bin Boregowda

The source of irrigation for the wet & garden cultivation & the nature of crops or plants therein raised are not given —

Two lists of contributions promised to be paid by the Ryots of Hagalhalli (Rs. 1469) & Kabbere (Rs. 515) amounting to Rs. 1984 are attached.

The Amildar has got

The Dy Co Subsequently reported that this is Mulberry Cultivn

an estimate prepared by
the talak Mestri for Rupees.
7674 for the restoration
of the tank, & states in his
report that the work
will be remunerative
to Govt. & beneficial to
the residents of the village
& cattle in removing
the scarcity of water
which is now felt in the
hot season, as the small
Kalle which is in front
of the village contains
water only in the rainy
season - The restoration
of this tank will not
affect any other tanks
below it as its surplus
water falls into the Kaadoo
stream - The loss which

the cultivators of the bed
of the tank will suffer
cannot be helped as it
is only on condition of their
giving up the cultivation
~~the~~ in the event of repairs
being carried out to the
tank that the tank bed
was given for cultivation.

The Sub Divn Officer
supports the recommen-
dation of the Amildar
that the work referred
to deserves being taken
on hand -

The Dy Comr is also of
the same opinion vide
his letter No. 1042 d/ 21st Novr/90.

One Ramasetti son of Tim-
malasetti of Hagalahalli has
addressed a petition to the
Dy Comr protesting against

the repairs of Hagalahalli tank
~~village~~ on the ground of its
being very expensive not
only on account of the actual
cost of the work amounting
to nearly 10,000 Rs but also
on account of the heavy com-
pensation which has to be
paid to the Ryots including
himself who hold lands
in the bed of the tank on
permanent tenure & who
have spent large sums of
money on them since
the survey settlement.
States that it would be
well if the project which
is under contemplation of
excavating a channel from
the Maddur river to feed
tank No. 230 of this village
which is in good condition,
be carried out, or the
Bhimanakere tank which
is out of order, be put in repair.
In either case the object now

Restoration of the Hagalahalli Tank in the Maudya Taluk

In his letter No. 1042 of the 21st November 1890, the Dy Commissioner of the Mysore District recommended the restoration of the Hagalahalli Tank in the Maudya Taluk as it was advantageous to Govt and the people alike, with the remark that one Ramashetty objects to the project on the ground that valuable ground belonging to him would be submerged and that the question of compensation payable to the said Ramashetty may be considered when considering the advantages and disadvantages of the scheme—

The Dy Commr. Mysore District, was in this office Letter No. 12089 dated 3rd Feby 1891, to state in reply to a D.O.W. letter requesting to be informed whether the project was sanctioned by Govt.

Sir

The project has not yet been submitted through the Chief Engr. & Secy. In sanctioning

Sir Mudr. Did I mention this project when I said what was then said about Compensation

12.8.92

Much ado about nothing

Sir Judd

Mysore

29/July

2917192

Here is a D.O.W. letter addressed to Revd Gr. N. H. Downs for orders.—

whether Ramasheth's
contention was tenable
and whether he was entitled to
any compensation under
the Rules in force and
to consult the Executive
Engineer as to the desira-
-bility from the D.P.W.
point of view of restoring
the tank and its probable
cost on a rough estimate.

3. In reply to the
foregoing reference, the
Dy Commr. Mysore &
stated in his docket No.
1053 dated 19th February
1892. that as in ordinary
practice tank beds were
never given on permanent
tenure, and as the same had
been expressly stipulated
for with Sitarama Jois
to whom the lands now
in possession of Ramasheth

* the restoration of Kariya
Hoskere Kere on the
road to Krishnarajpet, it
was ordered on the 5th inst.
that "the Dy Commr
should ascertain and
report whether these lands
were given out for accu-
-mulation and subsequent
cultivation and whether
it was usual to have to
urge against the re-
-sumption now as
the tank is to be res-
-tored, & that the benam
x was led to
expect free occupancy
of the land as long as
necessary to serve this
purpose."

1/8/92

were first granted by the Taluk authorities, it would be wrong to pay any compensation which would create an inconvenient precedent, and that the Executive Engineer who was consulted advocated the repair of the tank.

4. With this Office Proc. No 4938-9/49 dated 15th June 1892, the Dy Commr. forwarded a letter in original and a copy of the ~~second~~ letter docket ~~from the Taluk Office~~ subsequently received from him, which were forwarded to the Chief Engineer in Mysore for his remarks; and the Dy Commr was informed that the objection of Ramachetty

× No. 1042 of 24th November/90.

⊛ No. 1053 of 19th Decr/92.

was inadmissible

5 The Chief Engineer forwards Copy of the Insp.r report by the Executive Engineer on the Tank under consideration showing that the restoration thereof will prove remunerative to Govt, and states that he concurs with the Dy Commr. Mysore District in holding that to pay Compensation for the lands "would be to abandon finally a well known principle."

No 3069 dd 22nd June 1892.

Dft. 4/7/92

It will be seen from No 1042 dd 21st Novr/90 that the letter on which so much correspondence has taken place, is apparently addressed to the Chief Engineer, for whose consideration the project appears to have

Note. The docket to the letter is addressed to the Chief Secretary.

have first been submitted
to the Deputy Commissioner
the correspondence having
however taken this turn,
and the claim of Ranna-
-setti for compensation
being found inadmissible,
the whole file may now be
transferred to the Chief
Engineer with the observation
that the Government
in the General Department
have no objection to
the project being prepared
in the Public Works Deptt.

Submitted for orders.

D.D
9/7

Mrk
11/7.
to Councillor (Rev)

23/11

Order

It is quite clear that Rama Setti & other holders of lands in the bed of the breached tank of Hoqalakalli in the Maddoor Taluk, cannot claim ~~Compensation~~ Compensation for Submersion of their lands, first because no permanent occupancy rights can, under the rules in force, be acquired in beds of breached tanks (Vide cl. 11 [illegible] of the L R Rules), and because these lands have been acquired by the present holders from one Sitaramaiya who by ~~ejectment~~ encroachment obtains the lands, promised to restore them when req^d. for the tank.

But there still remains the question whether it is desirable to restore this tank — It will bring under cult^n 170 acres from which a Revenue of Rs 68 0

per annum may be expected - At present
the whole of the land 70 acres is cultivated
& pays a Rev of Rs 192 per annum
and the whole of the Atchat is also
cultd & pays a revenue of Rs 214.
The total present Revenue thus amounts
to Rs 406 on 246 acres - The tank
wd reduce the cultivated area to
170 acres but bring an addl. Rev
of Rs 274. It is not worth the
while of the Govt to spend 6 or 7000
Rs on a work which will only
give so small a net return, especially
as present holders of lands in the bed will be deprived

600
406
274

of what they have enjoyed for nearly 40 years and this would be extremely hard on them

If the restoration of the tank is
necessary on (public grounds, & other than that
of increased Revenue, (Such for
instance as the convenience of
neighbouring Villages for domestic
supply, watering cattle &c., the
absence of wet cultn in the
neighbourhood, &c) then the
project must be worked out
in detail & submitted for orders

This due Caution in the Dpt

R

write a full report to
reasons for undertaking
it, with special refce
to the foregoing remarks -

Copy of this order shd
be Comm? to the Dpty
Comr & Chief Engr
in reply to their letters.

Messrs: Jas Watson & Co

24/May

Issued
24/5/92
Jno Shaffner
Ag

Rec'd
29/8 Dispatch Book
W.M.
30/8

(1)

No 1042
En. 16 file 4 + pabs

Imperial Commrs Office
Dated Camp Surgur 21st Nov. 24 1890

From, G. F. Meiklejohn Esquire
Deputy Commissioner

To The Chief Engineer
of Mysore

Sir

I have the honor to forward herewith a Canarese file of papers ending with French Rocks and Divn Officer's Yadi no 809 dated 16th Sept 17 relating to the restoration of Hagalahalli tank in Shippur Hobli of the Mandya Taluk. The statements showing the revenues of the Hagalahalli and Kabare villages are embodied in the Canarese file.

The cost of the restoration is estimated by the Amildar at Rs 7674 and the tank when completed is expected to irrigate a total area of 267 acres and 3 guntas belonging to both Hagalahalli and Kabaie villages, yielding a net increased revenue of Rs 430 annually. The ryots holding

lands under the tank in question agree to pay a contribution of Rupees 1984 towards the cost of its restoration.

2. The Amildar and the Sub Divisional Officer, French Rocks, both recommend the project as advantageous to Government and the people alike. I therefore request that you will be so good as to have the restoration of the tank taken into consideration, and if found advisable proceeded with at an early date.

3. One Ramashetti in his petition also attached, objects to the restoration of the tank on the ground that valuable land belonging to him will be submerged and of course the compensation that may have to be given will be an important item when considering the advantages and disadvantages of the scheme.

4. In the opinion of the Sub Division Officer, however, even considering

(3)

V

No. 12082 of 3-2-91
702 4

E VP

Section LR
No 40 - 90
Serial No 9

To

The Dy Commissioner of the
Mysore District

Sir,

Adverting to your letter
No. 1042 of the 21st inst last
~~reco~~ supporting the recom-
mendation of the French Rocks
Sub Dn Officer in favor of
the restoration of the Hagal-
halli tank in Thippur Hobli
of the Mandya Taluk I have
the honor to request the favor
of your submitting further
information on the following
points.

2- From the written statement
of Sitarama Joi is attached
to the vernacular proceedings
it would appear that when
he obtained the bed of the
Tank for cultivation some

40 years ago he executed
a Muchelika to Government
binding himself not to
raise "Dhurwa para bagayet"
thereon & that he would give
up the land in the event
of the tank being repaired
& that he recently sold the
land to one Tirunalasetti
of Kagalladdi in whose
name he also transferred
the Patta -

3 Information is required
as to whether Tirunalsetti
above referred to had true
ledge of the condition
attaching to the tenure
of the land when he bought
it from Sitarama Jois, &
a copy of the sale deed
should be obtained &
submitted -

4. The Muchelika stated
to have been executed by
Sitarama Jois has not
been forwarded with the

file; if it is not forthcoming
a report as to how you
propose to prove the
conditional tenure should
be submitted.

5 Was the condition attaching
to the tenure brought to
the notice of the Survey
Superintendent at the
time of settlement; if so
with what result; & if not
why not?

6 How is it that the Taluk
~~Asstt~~ and village authorities
and even the Ryots of the
village allowed garden
crops* to be raised in
violation of the condition
distinctly prohibiting such.

7 What is your estimate
of the value of the garden
lands (about 13 acres as
shewn in the statement)
in the bed of the tank.

8 In requesting your early
report on the foregoing points

(*Shunnapair)

2/F.S

I am also suggesting that I would be glad to consult the Elec: Engineer as to the desirability from the P.W.D. point of view of restoring the tank & its probable cost on a rough estimate -

9. The remainder papers received with your letter are herewith returned -

Yours etc
30 Jan 91
Chief Sec'y

HC

To

The Dy. Commissioner
Dharwar Division
Dharwar District

Dated 3rd February 1891

No 1208 9 / 702 d/ 3-2-91

Requesting further information on certain points in connection with the restoration of the Hagal-halli Tank of the Nandya Taluk, Dharwar District

From — the Revenue Survey & Settlement Commissioner, Poona - 1891

4/a

No 840
Sn 1 file.

French Rocks Sub Divn Office
Dated Camp Mandya
14th February 1892.

To
The Deputy Commissioner
Mysore District

Sir,

I beg to report that as promised in my letters nos. 22 and 829 dated 2d and 9th instant, I inspected the Hullahalli Tank Mandya Taluk on the 9th idem and with reference to your docket no 906 dated 10th February 1891 giving cover to copy of Chief Secretary's no 12089 of 3d idem and memo no 5049 of 702 11th October last, I beg to submit the following replies -

"Herewith returned.

a- From the statement of Sectaramma recorded by the amildar and admitted before me, it is apparent that when Sectaramma sold a sale deed to Immalashetty, the conditions attached to the tenure were mentioned in it. The document which was executed on stamp paper was not registered. Immalashetti is dead now and his sons Ramashetty and Venkatashetty both deny that any such sale deed

was executed to their father by Seeta
rama Jois. They even deny that the
land was sold to their father under any
such contingency. The Patta of the
land now stands in the name of Ramashetty
and it appears borne that the sons are
purposely keeping back the document.
b. The original rinchalika executed
by Seetaram Jois is submitted also
the Division Commissioner's order
and Khanuni Jasti books in support of
the claim. (C.) The condition attached to the tenure was not brought to the notice of the settlement officer apparently from neglect of the village authorities
d. By garden it is meant "mulberry
garden". No cocoanut or other trees
have been planted on the land. The
Taluk authorities explain that allowing
mulberry to be cultivated on the land
was as they thought not against the
orders of Government to prevent land
being converted into garden in the
strict sense of the word.
E. Out of the 13 acres only one acre
now remains in the possession of
Puttabar Ramashetty, all the rest
being alienated to others.
F. The Mahazar submitted shows

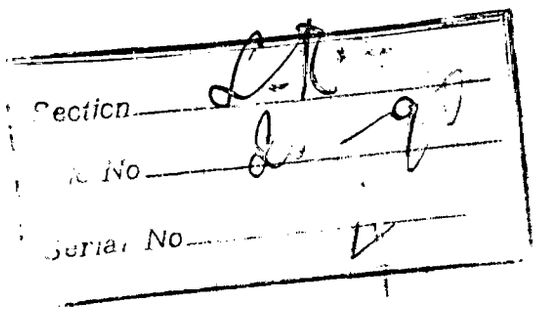
9/T.12

R (5)

(General Serial No. 30.)

1892.

From Proceedings.



To The Chief Engineer
in Mysore.
& Deputy Commissioner
Dated 15th Mysore District.
Despatched 18 } June 1892.
Received

Enclosures No.
General No. 4938-9
No. 49

Forwarding for an
expression of his remarks
& Comm's letters on the
subject of the restoration
of the Hagalahally tank
in the Shippur Hobly of
the Mandya Taluk.

1. * No 1042 & 24-11-1890
in original.
2. Copy of report No 1053 &
19th February 1892.

(5)

No. 4938-9 D/ 15/18 June 1892
49

Lor=

Read Correspondence ending with docket No 1053 of the 19th February 1892 from the Deputy Commissioner of the Mysore District, reporting on the subject of the restoration of the Hugulaballi tank in the Thippur hobli of the Mandya Taluk.

Order thereon.

The Deputy Commr's letter dated 24th November 1890, No 1042, will be forwarded (in original) to the Chief Engineer for his remarks.

2. The objection of Ramasetty is inadmissible as the land he holds

+ to be kindly returned.

in the head of the
tank was originally
given on the Express
understanding that it
should be given up when
the tank is repaired or
improved. A Copy of the
D/S subsequent report No. 605-3
& Eng. Sketch sent is also sent for
info.

15/6 Chief Secretary.

Draft for info.

D.D.

2. The Chief Engineer
in Mysore —

Copy of the D.C. Commissioner's
Mysore District
for info
(William Knox)

3568

1891/92

MYSORE P. W. DEPARTMENT.

No. 3069

From

The Chief Engineer
of Mysore.

To The Chief Secretary to the Dewan of Mysore

Dated Bangalore 22nd June 1892.

Despatched

Enclosure No. Two.

Subject.

Forwards copy of Inspection Report by the Chief Engineer, Mysore Dn, on the Restoration of the Hogalahalli Tank, in Mandya Taluk.

Ref. Instr 28/6/92

Sir Lutyens

28-6-92

Rev Br Putup a short note.

Instr 28/6/92

Rec'd
28/6/92

Draft Submitted
R.M.
9/7/92

131
28-6-92

47
27-6-92

(6)

MYSORE P. W. DEPARTMENT

CENTRAL OFFICE,

Bangalore, 22d June 1892.

No. 3069

From

The Chief Engineer of Mysore,

To The Chief Secretary to the,
Dewan of Mysore.

SIR,

X

+ No 1042 of 21/11/90. In returning the original paper regarding the restoration of the Hogalahally Tank in Nandyal Taluk, forwarded with Govt. Pro. No. 4938-9/69 dated 15th instant, for my remarks, - I have the honor to enclose copy of Inspection Report on the above Tank, by the Executive Engineer, Mysore Dn., dated 11th September 91, in which he shows that its restoration will prove remunerative to Government.

2. As regards compensation to be paid for the lands under cultivation in the bed of the Tank, I would invite attention to Para 11. of the "Mysore Land Revenue Rules", which lays down that the cultivators of lands in the beds

of

of breached Tanks are not entitled to compensation, whether such lands have been turned into garden or otherwise. It will be seen from para 1 of the Executive Engineer's Inspection Report referred to above; that besides the 13 acres of garden lands for which compensation is proposed, there are 20 acres of dry and 43 acres of wet lands under cultivation in the bed of the tank under reference. If payment is made for one portion of the bed, it will have to be made for all. I am totally opposed to this. It has always been distinctly understood that such lands are only cultivated on sufferance To pay for them would be to abandon finally a well known principle. I observe that the Deputy Commissioner (Mr. Rangaswamy Iyengar) states in his No. 1053 dated 19th February 192, that "it would be wrong to pay any compensation, which will create an inconvenient precedent." —

I have the honor to be,
Sir,
Your most obedt. Servant,
C. Ussher Col RE,
Chief Engineer of
Mysore.

Chs

roughly estimated at Rs. 6000. The work will bring under irrigation 170 acres from which a revenue of Rs. 640 can safely be expected at Rs. 4 per acre. Deducting from that amount the present revenue of Rs. 406 from the bed and the lands below, as detailed above in para 1, the balance of Rs. 234 will be the probable increase in revenue. 274 2

5. — It will be seen from the above that the Government will probably make fully 5 per cent on its share of outlay, so the project is not a bad one.

6. — I have taken it for granted that no compensation will have to be paid for the lands in the bed as I understood from the Shanbogue and the Patel that those lands have been given out on cultivation on the condition that the holders must give them up free if the Bank is restored. Whether the Shanbogue's statement is true or otherwise I am not in a position to say but I should state here that if no such condition was made, the compensation will

will come to a large figure of upwards of Rs. 5,000 and in that case the project will not pay even 3 per cent to Government. ——

Mysore
11th September 1911

Signed / C. H. Narne
Executive Engineer
Mysore Division

Copy

Mysore P.W. Department
Central office
Bangalore 22nd June 1912

C. Lowe.
Colonel R.E.
Chief Engineer of Mysore.—

Ent: Ltr

Read :—

Mysore District Dy Commrs letter No 1042 of the 21st November 1890, recommending on financial grounds the restoration of the Hagalahalli tank in the Maddur Taluk and stating that the question of compensation payable to one Ramashetty for lands which would be submerged by such restoration would have to be considered before sanction is accorded to it.

2. Docket No 1053 of the 19th February 1892 from the said officer reporting with reference to his letter No 12,089 dated 3rd February 1892 that it would be wrong to pay any compensation to Ramashetty which would create an inconvenient precedent and that the Executive Engineer who was consulted on the subject advocated the restoration of the tank.

3. Chief Engineer's letter No 3069 dated 22nd June 1892 concurring with the Mysore Dy Commrs opinion both as regards the restoration of the tank and the compensation payable to Ramashetty

No 3404 - I D/31/8/92
R.7162-92 1-9-92

Order thereon

It is quite clear that Rama Setti and other holders of land in the bed of the breached tank of Hagalahalli in the Mandya Taluk cannot claim compensation for submersion of their lands; first, because no permanent occupancy rights can, under the rules in force, be acquired in beds of breached tanks (vide Clause 11 para XX of the Land Revenue Rules) and secondly, because these lands have been acquired by the present holders from one Sitarama Jois who by express Mutchalika, executed when obtaining the lands promised to restore them when required for the tank.

15992.
29 MAY 93
A 3463

1892-93

MYSORE P. W. DEPARTMENT.

No. 2223

From

The Chief Engineer
of Mysore.

To The Chief Secretary to the
Dewan of Mysore.

Dated Bangalore 25th May 1893.

Despatched

Enclosure No. One

SUBJECT.

Stating the restoration
of Nagalapulli Tank of
Mandya Taluk may be
abandoned.

Read in abstract
& may be recorded
T/1/94

Rev. Mrn
29/5

3/6.

See Ref submitted for orders
28/5. The restoration of the tank
was suggested by the Dep'y Com.
in the first instance. The orders
of 31st August 1892 were sent
thereto. No further reply rec'd
from him. The ref. may be
recorded & the Contributor ordered to
be repaid.
1/6/93

Drafted
Vrs
2/1/94.

The same ors 10390
RT-162 of 2/1/94

Read

Mysore Govt. C. P. Bangalore.—16-9-92—2,000.

MYSORE P. W. DEPARTMENT,

CENTRAL OFFICE,

No. 2223

Bangalore, 25th May 1893.

From W. Mc. Hutchin Esquire
Offg. ~~The~~ Chief Engineer of Mysore,
Bangalore.

To

The Chief Secretary to the
Dewan of Mysore

SIR,

With reference to para 2 of Government Proceedings No. 3400-1 R.F. 162-92 dated 31st August 1892, regarding the restoration of Hadalahulli breached Tank Mandya Taluk, I have the honor to forward copy of French Roads Sub. Division Officer's No. 478 dated 19th September 1892, and to state that under the circumstances, therein reported, the proposal to restore the Tank may be abandoned.

II. The contribution of Rupees 1500/- already paid by the Ryots towards this work will be refunded to them by the Revenue Department.

I have the honor to be,
Sir,
Your most obedient Servant,

W. Mc. Hutchin

Offg: Chief Engineer of Mysore.

1893.

From.

The Sub: Division Officer.
French Rocks.

To. The Deputy Commissioner
Mysore District.

Dated Camp Nagarhungala
the 19/20 September 1892.

General No. 478. Encls: No. 1 & 1 file.

With memo No. 2020 dated the 13th instant calling for a report anent the restoration of the Nagamulli Tank, Mandya Taluk -

---

I have transmitting the memo with enclosures begs to state that if the tank is to be abandoned as unnecessary for the increase of revenue, the undersigned cannot recommend its restoration on the score of its utility for affording water supply &c to the surrounding villages. There is wet cultivation going on in the neighbourhood by means of other sources of irrigation and there is no scarcity of water by its lying breached. When the undersigned

respected

inspected the tank in February last, the undersigned had considered that the restoration of the tank, irrespective of these considerations would have been a very good source of affording labor to the villagers around, but the cries of famine is at an end now, and the tank may therefore be left alone as it is.-

S/ Muhamud Ali
Sub Division Officer
French Rocks.

Copy.

W & W Steele

Offg. Chief Engineer
of Mysore
P.W.D.
25/5/93.